

Statutes
1878

THE
GENERAL STATUTES
OF THE
STATE OF MINNESOTA,

As Amended by Subsequent Legislation.

PREPARED BY

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CONTAINING ALL THE GENERAL LAWS IN FORCE UP TO THE END OF
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MINNESOTA STATUTES 1878

CHANGES

—IN THE—

General Statutes of 1878,

EFFECTED BY THE

GENERAL LAWS OF 1879 AND 1881,

Arranged with reference to the Chapter and Section Amended.

SAINT PAUL:
WEST PUBLISHING COMPANY.
1883.

MINNESOTA STATUTES 1878

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CHANGES IN THE
GENERAL STATUTES OF 1878,

EFFECTED BY THE

Acts of the Legislature of 1879 and 1881.

NOTE.—The reference under each section is to the page of General Statutes of 1878.

CONSTITUTION.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

*SECTION 1. **Legislature, sessions.** The legislature of the state shall consist of the senate and house of representatives, who shall meet biennially at the seat of the government of the state, at such times as shall be prescribed by law. (*As proposed to be amended, 1881, c. 2, § 1.*)

(To be submitted to the people for adoption at the next general election, to be held November 15, 1881.)

Not adopted.
See page 19.

*SEC. 7. **Compensation of members.** The compensation of the senators and representatives shall be five (5) dollars per day, not to exceed four hundred and fifty dollars (\$450) for each regular session, and the compensation for each special session shall be five (5) dollars per day, not to exceed two hundred dollars (\$200) for each special session. (*Id.* § 2.)

(To be submitted to the people for adoption at the next general election, to be held November 15, 1881.)

Not adopted.
See page 19.

*SEC. 33. **Prohibition of special legislation.** The legislature is prohibited from enacting any special or private laws in the following cases:

1. For changing the name of a person, or constituting one person the heir at law of another.
2. For laying out, opening, or altering highways.

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CONSTITUTION.

3. For authorizing persons to keep ferries across streams wholly within this state.
 4. For authorizing the sale or mortgage of real or personal property of minors or other persons under disability.
 5. For changing any county seat.
 6. For assessment or collection of taxes, or for extending the time for the collection thereof.
 7. For granting corporate powers or privileges, except to cities.
 8. For authorizing the apportionment of any part of the school fund.
 9. For incorporating any town or village.
 10. For granting to any individual, association, or corporation, except municipal, any special or exclusive privilege, immunity or franchise whatever.
 11. For vacating roads, town plats, streets, alleys, and public grounds.
- But the legislature may repeal any existing special law relating to the foregoing subdivision. (*As proposed to be amended*, 1881, c. 3, § 1.)

(To be submitted to the people for adoption at the next general election, to be held November 15, 1881.)

Adopted. See Gen. Laws 1883, p. 2.

See page 22.

*SEC 34. **General laws in place of special.** The legislature shall provide general laws for the transaction of any business that may be prohibited by section one (1) of this amendment, and all such laws shall be uniform in their operation throughout the state. (*As proposed to be amended*, 1881, c. 3, § 1.)

(To be submitted to the people for adoption at the next general election, to be held November 15, 1881.)

Adopted. *Id.*

See page 22.

ARTICLE VIII.

SCHOOL FUNDS, EDUCATION, AND SCIENCE.

Add to § 2, art. 8, pp. 25-6:

All swamp lands now held by the state, or that may hereafter accrue to the state, shall be appraised and sold in the same manner and by the same officers, and the minimum price shall be the same, less one-third, as is provided by law for the appraisement and sale of the school lands under the provisions of title one of chapter thirty-eight of the General Statutes. The principal of all funds derived from sales of swamp lands, as aforesaid, shall forever be preserved inviolate and undiminished. One-half of the proceeds of said principal shall be appropriated to the common school fund of the state; the remaining one-half shall be appropriated to the educational and charitable institutions of the state, in the relative ratio of cost to support said institutions. (*As proposed to be amended by Laws* 1881, c. 4, § 1.)

(To be submitted to the people for adoption at the next general election, to be held November 15, 1881.)

Adopted. See Gen. Laws 1883, p. 3.

See page 26.

ARTICLE IX.

FINANCES OF THE STATE, AND BANKS AND BANKING.

SECTION 1. **Taxes to be equal—local improvements—water tax.** All taxes to be raised in this state shall be as nearly equal as may be, and all property on which taxes are to be levied shall have a cash valuation, and be equalized and uniform throughout the state: *provided*, that the legislature may, by general law or special act, authorize municipal corporations to levy assessments for local improvements upon the property fronting upon such improvements, or upon the property to be benefited by such improvements, or both, without regard to a cash valuation, and in such manner as the legislature may prescribe: *and provided further*, that for the purpose of defraying the expenses of laying water pipes and supplying any city or municipality with water, the legislature may, by general or special law, authorize any such city or municipality having a population of five thousand or more, to levy an annual tax or assessment upon the lineal foot of all lands fronting on any water main or

water pipes laid by such city or municipality within corporate limits of said city, for supplying water to the citizens thereof, without regard to the cash value of such property; and to empower such city to collect any such tax assessments, or fines or penalties for failure to pay the same, or any fine or penalty for any violation of the rules of such city or municipality in regard to the use of water, or for any water rate due for the same. (*As proposed to be amended, 1881, c. 1, § 1.*)

(To be submitted to the people for adoption at the next general election, to be held November 15, 1881.)

Adopted. See Gen. Laws 1883, p. 1.

See page 26.

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*SEC. 15. **Same.** The legislature shall not authorize any county, township, city, or other municipal corporation to issue bonds, or to become indebted in any manner, to aid in the construction or equipment of any or all railroads to any amount that shall exceed five per centum of the value of the taxable property within such county, township, city, or other municipal corporation; the amount of such taxable property to be ascertained and determined by the last assessment of said property made, for the purpose of state and county taxation, previous to the incurring of such indebtedness.

(§Section 15 was adopted November 4, 1879.)

See page 23.

GENERAL STATUTES.

CHAPTER I.

ELECTIONS.

§ 23. (SEC. 19.) **County canvassing board—transmitting abstracts of votes cast.** The county auditor and two justices of the peace of his county, by him selected, constitute the county canvassing board, and on or before the tenth day after the election said board shall proceed to open and publicly canvass the several returns made to the auditor's office. The abstracts of the votes cast for governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, judges and clerk of the supreme court, and judges of the district court, and all other state officers, shall be on one sheet, and being certified and signed by the auditor and justices of the peace, shall be deposited in said auditor's office, and two copies thereof shall be certified under the official seal of the auditor, one of which shall be enclosed and directed to the secretary of state, and forwarded immediately to the seat of government by mail, and the other also enclosed, directed, and forwarded to the secretary of state in like manner as the first copy, but by different mail; and within five days after such first copy shall have been so transmitted, and in the event that either of such copies so transmitted shall not be received by the secretary of state within twenty days after the election, the county auditor shall in like manner transmit immediately, upon being notified of such failure, a third copy of such abstract to the secretary of state. If, within twenty days after such election, no such copy of abstract shall have been received by the secretary of state from every county in the state, it shall be the duty of the secretary of state to immediately notify the auditors of the county or counties from which such returns have not been received, of such fact. The county auditor shall indorse on the outside of the envelopes enclosing each of such duplicates or copies of such abstract certificates of the votes for governor, lieutenant